

REMARKS

This application has been reviewed in light of the Office Action dated June 9, 2004.

Claims 1-14 are pending in the application. By the present amendment, claims 1, 9 and 13 have been amended. Claim 14 has been added. No new matter has been introduced. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

Claims 5, 9 and 11 have been amended in compliance with the Examiner's suggestion in the Office Action. Reconsideration is respectfully requested.

By the Office Action, claims 1-12 stand rejected under 35 U.S.C. § 112 (b) second paragraph. The Examiner stated that claims 1, 9 and 11 were confusing. Claims 1, 9, and 11 have been amended in a way believed to overcome the rejection.

Claims 1, 9 and 11, now recite, *inter alia*, the epoch has a plurality of transmit and receive data row pairs, one such row pair for each handset, wherein each ~~row of a~~ row pair comprises:

an even row comprising a transmit data time slot for the respective handset and a plurality of transmit and receive audio packet time slots for a portion of the maximum number of the plurality of handsets which may be communicating at a time, and

an odd row comprising a receive data time slot for the respective handset and a plurality of transmit and receive audio packet time slots for the other portion of the maximum number of the plurality of handsets which may be communicating at a time.

As set forth in the claims, confusion may have arisen by the recitation of: "each row of a row pair comprises." This has been amended to: "each row pair comprises". In addition, the half of the maximum language has been changed to a portion of the maximum number. These amendments have been made for clarity and are believed to eliminate any confusion as the Examiner suggests.

In addition, to describe claim 1 in accordance with the illustration in FIG. 2: each row pair

pair includes an odd and even row, each odd and even row is broken down into time slots. An even row comprises a transmit data time slot (251) for the respective handset and a plurality of transmit and receive audio packet time slots (253, 254, etc.) for a portion (8 AUDIO SLOTS are shown in FIG. 2 and indicated by braces four in the even row and four in the odd row) of the maximum number (n=12) of the plurality of handsets which may be communicating at a time.

An odd row comprises a receive data time slot (252) for the respective handset and a plurality of transmit and receive audio packet time slots (below time slots 253 and 254, etc.) for the other portion (the remainder of the maximum of 12 phones) of the maximum number of the plurality of handsets which may be communicating at a time.

While the language of claim 1 may be cumbersome, it is clear that it now correctly describes at least one embodiment of the present invention and is consistent with FIG. 2 and its description in the specification. Therefore, it is believed that claims 1, 9 and 11 have been amended in a way believed to overcome the rejection. Consequently, claims 1-12 are believed to be in condition for allowance for at least the stated reasons. Reconsideration is earnestly solicited.

By the Office Action, claim 13 stands rejected under 35 U.S.C. '102 (e) as being anticipated by U.S. Patent No. 6,172,971 to Kim et al. (hereinafter Kim).

Claim 13 of the present invention, includes, *inter alia*, A wireless telephone system, comprising: (a) a base unit ... and (b) a plurality of wireless handsets,..., upon request from a handset for non-voice data from a data source, [the base unit] retrieves the requested data from the data source and transmits the retrieved data to the handset via the audio link if the handset if not currently using the audio link to transmit real-time telephone conference voice data and transmits the stored information to the handset via the data link otherwise. (Braces added for conciseness).

While Kim provides time slots for data and voice, Kim fails to disclose or suggest at least that upon request from a handset for non-voice data from a data source, [the base unit] retrieves the requested data from the data source and transmits the retrieved data to the handset via the audio link if the handset if not currently using the audio link to transmit real-time telephone conference voice data and transmits the stored information to the handset via the data link otherwise. (Braces added)

Nowhere in Kim is it disclosed or suggested that the handset requests data from a data source through the base unit. As set forth in the claims, the base unit retrieves the data pursuant to the request of the handset. Kim requests time slots so that data can be transmitted by a next available time slot. Nowhere in Kim is it disclosed or suggested that the base unit retrieves the data from a data source in accordance with a request for that data by the handset. Instead, the base unit of Kim merely passes through data in a passive fashion. It does not search and retrieve data pursuant to a handset request.

Furthermore, nowhere in Kim is it disclosed or suggested that the data be transmitted over an audio link when the handset is not currently using the audio link otherwise using the datalink. Kim is silent as to this feature.

Kim is directed to a frame structure, which incorporates times slots for both data and voice in a TDMA system. Requests and acknowledges in Kim refer to devices asking for a next available time slot to passively transfer data or voice information. The frames of Kim use two different frequencies for uplink and downlink operations. These operations are off-set by a delta to build-in a delay, and each timeslot identifies itself as a data type. Kim does not provide a system where a handset requests data from the base unit such that the base unit retrieves data from a data source to satisfy the request. There is no option disclosed or suggested by Kim that provides data be transmitted over an audio link when the handset is not currently using the audio link otherwise using the datalink. In addition, Kim does not describe a system with multiple handsets since the communications in Kim are focused on the method of communication between a base and a mobile unit.

It is therefore respectfully submitted that Kim fails to disclose or suggest the present invention as claimed in claim 13. Reconsideration of the rejection is earnestly solicited for at least the stated reasons. Claim 14 has been added and is also believed to be in condition for allowance. The Applicant notes with appreciation the allowability of claims 1-12, if rewritten to overcome the §112 rejection. However, in view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No. 07-0832

Respectfully submitted,

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August 25, 2004

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